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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:

**STEPHANIE MARIE HATTEN
aka STEPHANIE MARIE SCHONERT
aka STEPHANIE MARIE FISCHER**

Applicant for Registered Nurse License

Respondent

Case No. 2012-485

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 22, 2012, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Statement of Issues No. 2012-485 against Stephanie Marie Hatten, aka Stephanie Marie Schonert, aka Stephanie Marie Fischer (Respondent) before the Board of Registered Nursing.

2. On or about March 28, 2011, Respondent filed an application dated March 25, 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.

3. On or about August 17, 2011, the Board issued a letter denying Respondent's application for a Registered Nurse License. On or about August 24, 2011, Respondent appealed the Board's denial of her application and requested a hearing.

4. On or about March 2, 2012, Lametric Lewis, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Statement of Issues No. 2012-485, Statement to Respondent, Request for Discovery, Government Code sections 11507.5, 11507.6, and 11507.7, and Notice from Respondent/Applicant to Respondent's address on the application form. A copy of the Statement of Issues is attached as exhibit A, and is incorporated herein by reference.

1 5. Service of the Statement of Issues was effective as a matter of law under the
2 provisions of Government Code section 11505, subdivision (c).

3 6. On or about August 24, 2011, Respondent appealed the denial of her application and
4 requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's
5 address on the application and it informed her that an administrative hearing in this matter was
6 scheduled for October 11, 2012. On October 8, 2012, Respondent withdrew her request for a
7 hearing.

8 7. Business and Professions Code section 118 states, in pertinent part:

9 (a) The withdrawal of an application for a license after it has been filed with a
10 board in the department shall not, unless the board has consented in writing to such
11 withdrawal, deprive the board of its authority to institute or continue a proceeding against
12 the applicant for the denial of the license upon any ground provided by law or to enter an
13 order denying the license upon any such ground.

14 8. Government Code section 11506 states, in pertinent part;

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

19 9. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions or upon
22 other evidence and affidavits may be used as evidence without any notice to respondent; and
23 where the burden of proof is on the respondent to establish that the respondent is entitled to the
24 agency action sought, the agency may act without taking evidence.

25 10. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on
27 Statement of Issues No. 2012-485 and the documents contained in Default Decision Investigatory
28 Evidence Packet in this matter which includes:

Exhibit 1: Pleadings offered for jurisdictional purposes; Statement of Issues No.
2012-485, Statement to Respondent, Request for Discovery, and
Discovery Statutes (Government Code sections 11507.5, 11507.6 and
11507.7), Respondent/Applicant's Notice of Designation of Counsel (2
blank copies), Respondent/Applicant's Notice of Withdrawal of Request

1 for Hearing (2 blank copies), proof of service, mail receipt and Notice of
2 Hearing;

3 Exhibit 2: Respondent/Applicant's Notice of Withdrawal of Request for Hearing,
4 filed October 8, 2012.

5 The Board finds that the charges and allegations in Statement of Issues No. 2012-485 are
6 separately and severally true and correct by clear and convincing evidence.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Stephanie Marie Hatten, aka
9 Stephanie Marie Schonert, aka Stephanie Marie Fischer has subjected her application for a
10 Registered Nurse License to denial.

11 2. Service of Statement of Issues No.2012-485 and related documents was proper and in
12 accordance with the law.

13 3. The agency has jurisdiction to adjudicate this case by default.

14 4. The Board of Registered Nursing is authorized to deny Respondent's application for
15 licensure based upon the following violations alleged in the Statement of Issues which are
16 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
17 case.

18 a. Violation of Business and Professions Code section 2761(a) – Unprofessional
19 Conduct.

20 b. Violation of Business and Professions Code section 2761(f) - Conviction
21 substantially related to the qualifications, functions and duties of a
22 registered nurse.

23 c. Violation of Business and Professions Code sect 2762(b) - Use of controlled
24 substance or alcohol to an extent or in a manner dangerous or injurious to
25 oneself and others.

26 d. Violation of Business and Professions Code section 2762(c) - Criminal
27 conviction involving alcoholic beverages or controlled substances.

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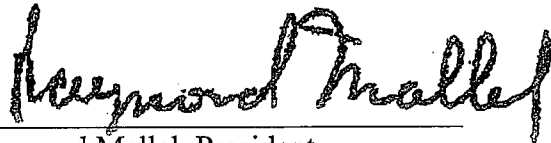
ORDER

IT IS SO ORDERED that the application for Registered Nurse License, filed by Respondent Stephanie Marie Hatten, aka Stephanie Marie Schonert, aka Stephanie Marie Fischer, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MARCH 29, 2013.

It is so ORDERED FEBRUARY 28, 2013.



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

Attachment:

Exhibit A: Statement of Issues No. 2012-485

Exhibit A

Statement of Issues No. 2012-485

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
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5 P.O. Box 944255
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6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **SUCCESSOR TO THE BOARD OF REGISTERED NURSING**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:
12 **STEPHANIE MARIE HATTEN,**
13 **aka STEPHANIE MARIE SCHONERT,**
14 **aka STEPHANIE MARIE FISCHER**

15 5051 El Don Drive, Apt. 1405
16 Rocklin, CA 95677

17 Applicant for Registered Nurse License

18 Respondent.

Case No. **2012-485**

STATEMENT OF ISSUES

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Statement of Issues solely
22 in her official capacity as the Interim Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about March 28, 2011, the Board received an application for a registered nurse
25 license from Stephanie Marie Hatten, also known as Stephanie Marie Schonert also known as
26 Stephanie Marie Fischer ("Respondent"). On or about March 25, 2011, Respondent certified
27 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
28 application. The Board denied the application on August 17, 2011.

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2736 provides, in pertinent part, that the Board may deny a license when it finds that the applicant has committed any acts constituting grounds for denial of licensure under section 480 of that Code.

4. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof . . .

5. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof . . .

6. Code section 2765 states:

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

1 7. Code section 480 states, in pertinent part:

2 (a) A board may deny a license regulated by this code on the grounds that
3 the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this
5 section means a plea or verdict of guilty or a conviction following a plea of nolo
6 contendere. Any action that a board is permitted to take following the
7 establishment of a conviction may be taken when the time for appeal has elapsed,
8 or the judgment of conviction has been affirmed on appeal, or when an order
9 granting probation is made suspending the imposition of sentence, irrespective of a
10 subsequent order under the provisions of Section 1203.4 of the Penal Code.

11 (3)(A) Done any act that if done by a licentiate of the business or
12 profession in question, would be grounds for suspension or revocation of license.

13 (B) The board may deny a license pursuant to this subdivision only if the
14 crime or act is substantially related to the qualifications, functions, or duties of the
15 business or profession for which application is made

16 **FIRST CAUSE FOR DENIAL**

17 **(Criminal Convictions)**

18 8. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,
19 subdivision (f), and 480, subdivisions (a)(1) and (a)(3)(A), in that Respondent was convicted of
20 crimes which are substantially related to the qualifications, functions, and duties of a registered
21 nurse, as follows:

22 a. On or about November 1, 2004, in the criminal proceeding titled State of North
23 Dakota v. Stephanie Marie Hatten (Dist. Ct. South Central Jud. Dist., 2004, Case No. 08-04-K-
24 01872/001), Respondent pled guilty to violating N.D.C.C. section 39-08-01 (driving a vehicle
25 while under the influence of alcohol, with 2 minors present, a Class A misdemeanor).

26 (1) The circumstances of the crime are as follows: On or about August 18, 2004,
27 an officer with the North Dakota Highway Patrol received a call of a reckless driver, who was
28 traveling west bound on Interstate 94 from the Steele area. The officer received updates
29 regarding the current location and description of the vehicle. Later, the vehicle went past the
30 officer. The officer followed the vehicle and observed it weaving in its lane. The vehicle weaved
31 about 2 feet over the center line and back into the right lane. The officer activated his red lights
32 and "wig wags" to stop the vehicle. The vehicle pulled onto the shoulder, then moved back onto
33 the interstate so that it was partially in the right lane. The officer got on his PA system and

1 instructed the driver to move onto the shoulder, but the driver did not move the vehicle. The
2 officer got out of the patrol car, approached the vehicle, and made contact with the driver,
3 Respondent. Respondent had her two minor children (B. F., age 12, and A. F., age 9) in the
4 vehicle. The officer detected a strong odor of alcohol coming from the vehicle, and observed that
5 Respondent's eyes were bloodshot. B. F., who was in the front seat of the vehicle, told the officer
6 that he wanted his mom to pull over and meet his grandmother in Sterling. The officer observed
7 that B. F. was upset. As Respondent got out of the vehicle, she appeared unsteady on her feet.
8 Respondent admitted that she had been drinking earlier. The officer arrested Respondent for
9 driving under the influence of alcohol and transported her to St. Alexius Hospital, where she
10 submitted a blood sample. The tests results showed that Respondent had a blood alcohol level of
11 0.31%.

12 b. On or about September 22, 1992, in the criminal proceeding titled State of
13 North Dakota v. Stephanie Marie Schonert (Dist. Ct. Morton County, 1992, Case No. 60-92-K-
14 3557-1), Respondent pled guilty to Minor in Possession. The incident upon which Respondent's
15 conviction is based occurred on or about August 1, 1992.

16 c. On or about November 18, 1991, in the criminal proceeding titled *City of*
17 *Bismarck v. Stephanie Marie Schonert* (Muni Ct. City of Bismarck, 1991, Case No. BI-91-K-
18 15305-2), Respondent pled guilty to reckless driving. The incident upon which Respondent's
19 conviction is based occurred on or about October 10, 1991.

20 **SECOND CAUSE FOR DENIAL**

21 **(Use of Alcoholic Beverages to an Extent or in a Manner**

22 **Dangerous or Injurious to Oneself, Others, and the Public)**

23 7. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,
24 subdivision (a), 2762, subdivision (b), and 480, subdivision (a)(3)(A), in that on or about August
25 18, 2004, Respondent used or consumed alcoholic beverages to an extent or in a manner
26 dangerous or injurious to herself, others, and the public, as set forth in subparagraph 8 (a) above.

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1 **THIRD CAUSE FOR DENIAL**

2 **(Conviction Related to the Consumption of Alcoholic Beverages)**

3 8. Respondent's application is subject to denial pursuant to Code sections 2736, 2761,
4 subdivision (a), 2762, subdivision (c), and 480, subdivision (a)(3)(A), on the grounds of
5 unprofessional conduct, in that on or about November 1, 2004, Respondent was convicted of a
6 criminal offense involving the consumption of alcoholic beverages, as set forth in subparagraph 8
7 (a) above.

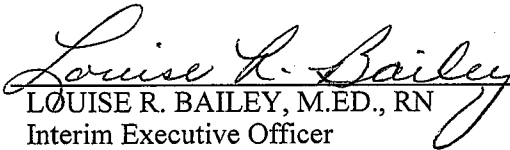
8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Denying the application of Stephanie Marie Hatten, also known as Stephanie Marie
12 Schonert also known as Stephanie Marie Fischer, for a registered nurse license;

13 2. Taking such other and further action as deemed necessary and proper.

14
15 DATED: February 22, 2012



16 LOUISE R. BAILEY, M.ED., RN
17 Interim Executive Officer
18 Board of Registered Nursing
19 Department of Consumer Affairs
20 State of California
21 Complainant